

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

MOBIUS MANAGEMENT SYSTEMS, INC.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	C.A. No. 05-346 SLR
	:	
ACARTUS, INC.,	:	
	:	
Defendant.	:	

**STIPULATION AND ORDER**  
**PERMITTING PLAINTIFF LEAVE TO FILE SECOND AMENDED COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED, by plaintiff Mobius Management Systems, Inc. and defendant Acartus, Inc., through their undersigned counsel, subject to the approval of the Court, that:

1. Plaintiff shall be permitted to file a Second Amended Complaint that, among other things, adds EMC Corporation ("EMC") as a defendant in this action. Pursuant to D. Del. LR 15.1, an unsigned copy of Plaintiff's proposed Second Amended Complaint (without exhibits) is attached as Exhibit A hereto; and a blacklined version of Plaintiff's proposed Second Amended Complaint, indicating the respects in which it differs from the pleading which it amends, is attached as Exhibit B hereto.<sup>1</sup>

2. Counsel for defendant Acartus, Inc. will represent EMC Corporation in this action, and have agreed to accept service of the Second Amended Complaint on behalf of EMC Corporation.

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<sup>1</sup> The exhibits are being filed under seal.

3. Service of Plaintiff's Second Amended Complaint shall be effective upon its filing, after entry of this Order.

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MORRIS NICHOLS ARSHT &  
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SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2006.

\_\_\_\_\_  
The Honorable Sue L. Robinson  
United States District Judge